



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 08 2016

CERTIFIED MAIL #7009 1680 0000 7648 7580
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Mr. Paul Madden
Technical Director
Eco Finishing Company
5100 Industrial Boulevard
Fridley, Minnesota 44421

Re: Notice of Violation
Compliance Evaluation Inspection
MND985767482

Dear Mr. Madden:

On April 28, 2015, representatives of the U.S. Environmental Protection Agency and Anoka County, Minnesota, inspected the Eco Finishing Company facility located in Fridley, Minnesota (EFC). As a large quantity generator of hazardous waste, Eco is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq. (RCRA). The purpose of the inspection was to evaluate Eco's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by EFC, EPA's review of records pertaining to EFC, and the inspector's observations, EPA has determined that EFC has unlawfully stored hazardous waste without a permit or interim status as a result of Eco's failure to comply with certain conditions for a permit exemption under Minn. R. part 7045.0292 Subparts 1 through 11 [40 C.F.R. § 262.34(a)-(c)]. EPA has identified the permit exemption conditions with which EFC was out of compliance at the time of the inspection in paragraphs 1- 8, below.

Many of the conditions for a RCRA permit exemption are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements).

- When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from Minn. R. 7045.0552 to 0649, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement.
- The exemption conditions identified in paragraphs 3 through 8 are also independent TSD requirements incorporated from Minn. R. 7045. Accordingly, each failure of EFC to

comply with these conditions is also a violation of the corresponding requirement in Minn. R. 7045.0552 to 0649 [40 C.F.R. Part 265].

Finally, EPA has determined that EFC violated a RCRA used oil requirement as described in paragraph 9, below.

STORAGE OF HAZARDOUS WASTE WITHOUT A PERMIT OR INTERIM STATUS

At the time of the inspection, EFC was out of compliance with the following large quantity generator permit exemption conditions:

1. Hazardous Waste Accumulation Requirement: Under Minn. R. 7045.0292 Subpart 1, Item A [40 C.F.R. § 262.34(a) and (b)], a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status unless the generator has been granted an extension of the 90-day period.

At the time of the inspection, EFC maintained two 55-gallon containers with accumulation start dates that eventually exceeded 90 days: one container of waste nickel hazardous waste was located in less-than 90-day hazardous waste storage area #1 that had an accumulation start date of over 89 days which exceeded 90 days two days later; and one container in less-than 90 day hazardous waste storage area #2 of waste chrome D007 hazardous waste that had an accumulation start date of over 769 days, which exceeded 90 days. EFC was not granted an extension of the 90-day period.

2. Accumulation Start Date Requirement: Under Minn. R. 7045.0292 Subpart 1, Item C [40 C.F.R. § 262.34(a)(2)], a large quantity generator must clearly label tanks and containers with the waste accumulation start date.

At the time of the inspection, one pail of D008 hazardous waste in the less-than 90 day hazardous waste storage area #1 was not marked with an accumulation start date. Facility personnel added the accumulation start date to the label at the time of the inspection. At the time of the inspection, one tote of F006 hazardous waste under a filter press was not marked with the accumulation start date. Facility personnel added the accumulation start date to a label, and then affixed the label to the tote at the time of the inspection.

3. Satellite Container, Closed Container Requirement: Under Minn. R. 7045.0292 Subpart 8, Item B and 7045.0626 Subpart 4 [40 C.F.R. § 262.34(c)(1)(i) and § 265.173(a)], a generator must keep closed containers holding hazardous waste, except when it is necessary to add or remove waste.

At the time of the inspection, EFC had at least three buckets in the basement of waste cyanide that were not closed with no workers present to add or remove waste.

4. Training Records, Contingency Plan Implementation Requirement: Under Minn. R. 7045.0292 Subpart 1, Item I and 7045.0558 Subpart 3, Item B [40 C.F.R. § 262.34(a)(4)]

and § 265.16(a)(3)], a generator must have a training program that, at a minimum, includes instruction which teaches facility personnel hazardous waste management procedures relevant to the positions in which they are employed, including contingency plan implementation procedures.

At the time of the inspection, EFC representatives did not provide training documents that included contingency plan implementation procedures.

5. Training Records, Job Description Requirement: Under Minn. R. 7045.0292 Subpart 1, Item I and 7045.0558 Subpart 6, Item B [40 C.F.R. § 262.34(a)(4) and § 265.16(d)(2)], a generator must have a written job description for each position at the facility related to hazardous waste management that includes the duties of employees assigned to each position.

At the time of the inspection, EFC did not have job descriptions that included hazardous waste duties for the Waste Treatment Operator, Laboratory (Lab) Technician (Tech), or Technical Director.

6. Minimize the Possibility of Fire, Explosion, or Release Requirement: Under Minn. R. 7045.0292 Subpart 1, Item I and 7045.0566 Subpart 2 [40 C.F.R. § 262.34(a)(4) and § 265.31], a large quantity generator must maintain and operate facilities to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release to air, land or water of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

At the time of the inspection, EFC had materials, both hazardous wastes and solid wastes, accumulating and potentially mixing within the wastewater treatment system containment and other secondary containment areas, and under process tanks; and chemicals solidifying in and on pipes and tanks within the process areas, which may cause EFC to accumulate hazardous wastes as opposed to allowing a flow of wastes towards the wastewater treatment system. Waste material was found on pipes, platforms, and within containment areas for the barrel zinc line, the nickel line, the small zinc line, the black oxide line, the chiller line, and the chromate line.

7. Contingency Plan, Submission to emergency response organizations: Under Minn. R. 7045.0292 Subpart 1, Item I and 7045.0572 Subpart 5, Item B [40 C.F.R. § 262.34(a)(4) and § 265.53(b)], a large quantity generator must submit copies of the contingency plan and all revisions to local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

At the time of the inspection, EFC was unable to provide any documentation showing submission of attempts to submit its contingency plan to emergency response organizations.

8. Contingency Plan, Update Requirement: Under Minn. R. 7045.0292 Subpart 1, Item I and 7045.0572 Subpart 6, Item C [40 C.F.R. § 262.34(a)(4) and § 265.54(c)], a large

quantity generator must amend the contingency plan the changes the response necessary in an emergency.

At the time of the inspection, EFC had not amended its contingency plan to reflect the changes in emergency response team members.

Used Oil

9. Used Oil Requirement: Under Minn. R. 7045.0855 Subpart 2, Item C [40 C.F.R. § 279.22(c)(1)(i)], containers, aboveground tanks and fill pipes of underground tanks used to store used oil at generator sites must be marked with the words "Used Oil."

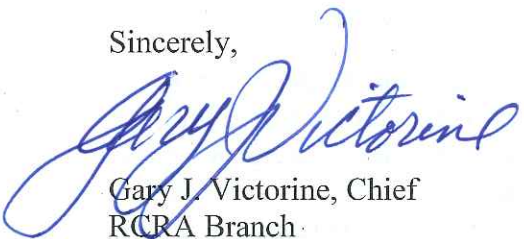
At the time of the inspection, EFC stored one 5-gallon container near the zinc automatic line of used oil that was not marked or labeled with the words, "Used Oil." At the time of the inspection, EFC stored one 55-gallon container near the zinc automatic line was marked with the words, "Oil waste" as opposed to the words, "Used Oil."

At this time, EPA is not requiring EFC to apply for an Illinois hazardous waste storage permit so long as it immediately establishes compliance with the conditions for a permit exemption and the used oil requirement outlined in paragraphs 1 - 9, above.

According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, which you have taken since the inspection to establish compliance with the above conditions and used oil requirement. You should submit your response to Daniel Chachakis, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Mr. Daniel Chachakis, of my staff, at (312) 886-9871 or at chachakis.daniel@epa.gov.

Sincerely,



Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: John Elling, MPCA (john.elling@state.mn.us)
Laura Schmidt, Anoka County (laura.schmidt@co.anoka.mn.us)